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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
07 DEC 14 PM 4:40
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: DEPUTY

UNITED STATES OF AMERICA)
) **Magistrate's Case No:** '07 MJ 29 12
v.)
) **COMPLAINT FOR VIOLATION OF:**
Oscar Alejandro Martinez-Martinez)
) 21 U.S.C. S 952 & 960
) Importation of a Controlled Substance
____________________________________)

The undersigned complainant being duly sworn states:

COUNT ONE

On December 14, 2007, within the Southern District of California, Oscar Alejandro Martinez-Martinez, did knowingly and intentionally import approximately 428.91 kilograms (943.60 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

[signature]
Eric Povlish
Special Agent, U.S. Immigration and
Customs Enforcement

Sworn to before me and subscribed in my presence this 14th day of December, 2007.

[signature]
UNITED STATES MAGISTRATE JUDGE

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STATEMENT OF FACTS

On December 14, 2007, at approximately 6:17 a.m., Oscar Alejandro MARTINEZ-Martinez entered the United States at the Otay Mesa Cargo Facility as the driver of a 1995 Freightliner Tractor bearing California license plate 9B84541, pulling a white BTM trailer bearing California license plate 4JN1764. Customs and Border Protection Officer (CBPO) Tung Hoang was conducting primary inspections at primary gate 5 when he was approached by MARTINEZ. CBPO Hoang received a negative customs declaration from MARTINEZ.

A subsequent search of the vehicle resulted in the discovery of 52 packages, containing a green leafy substance, with a total weight of 428.91 kilograms (943.60 pounds) concealed within the sleeper cab of the vehicle. A presumptive test of the contents of one of the packages revealed a positive reaction to the presence of marijuana.

In a post-Miranda statement, MARTINEZ admitted knowledge of the marijuana in the vehicle. MARTINEZ stated he was being paid $4,000 USD to take the vehicle to a truck yard in Otay Mesa, CA.

GOMEZ was arrested and charged with violation of Title 21 USC 952, 960, Importation of a Controlled Substance, and was booked into the Metropolitan Correction Center, San Diego, California.